

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 8:08CR2
)
vs.) ORDER
)
TANA HOLLE and)
JOSHUA HOLLE,)
)
Defendants.)

This matter is before the court on the motion to continue trial by defendant Joshua Holle (Filing No. 27). Holle seeks a continuance of sixty days of the trial of this matter which is scheduled for August 5, 2008. Holle's counsel represents Holle will file an affidavit wherein he represents that he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Holle's counsel represents that government's counsel and counsel for Tana Holle have no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Holle's motion to continue trial (Filing No. 27) is granted.
2. Trial of this matter is re-scheduled for **1:30 p.m. on October 28, 2008**, before the undersigned magistrate judge and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **July 25, 2008 and October 28, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 25th day of July, 2008.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge